

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel. W.A.)
DREW EDMONDSON, in his capacity as)
ATTORNEY GENERAL OF THE STATE)
OF OKLAHOMA AND OKLAHOMA)
SECRETARY OF THE ENVIRONMENT)
C. MILES TOLBERT, in his capacity as the)
TRUSTEE FOR THE NATURAL)
RESOURCES FOR THE STATE OF)
OKLAHOMA,)

Plaintiff,)

v.)

Case No. 05-CV-00329 GKF-SAJ

TYSON FOODS, INC., TYSON)
POULTRY, INC., TYSON CHICKEN,)
INC., COBB-VANTRESS, INC., CAL-)
MAIN FOODS, INC., CAL-MAINE)
FARMS, INC., CARGILL, INC.,)
CARGILL TURKEY PRODUCTION, LLC,)
GEORGE'S, INC., GEORGE'S FARMS,)
INC., PETERSON FARMS, INC.,)
SIMMONS FOODS, INC., and WILLOW)
BROOK FOODS, INC.,)

Defendant.)

AFFIDAVIT OF JERRY HARE

STATE OF OKLAHOMA)

SS.

COUNTY OF CHEROKEE)

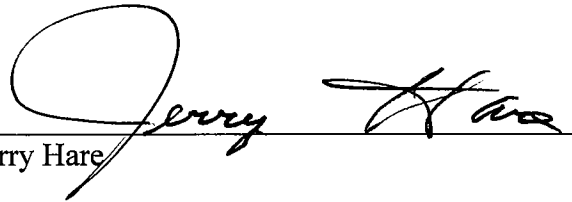
Jerry Hare, of lawful age, being first duly sworn, deposes and states as follows:

1. My name is Jerry Hare. I am a cattle rancher. My address is in Tahlequah, Oklahoma.
2. I make this affidavit in support of the amicus brief to be filed by Oklahoma Farm Bureau opposing the Attorney General's request for

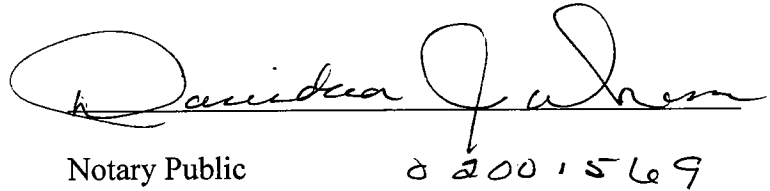
an injunction. Everything in this affidavit is true and correct to the best of my information and belief.

3. I live in Cherokee County. My family has been in the cattle ranching business for about 40 years.
4. I am a member of the Oklahoma Farm Bureau.
5. I run cow/calf units, and have ranched since 1968. I am a member of the Cherokee Tribe. My ranch is approximately 520 deeded acres. I cut hay off another 150 acres.
6. I have used poultry litter as fertilizer on my property on and off through the years based on my need to grow more hay. Poultry litter is an excellent fertilizer for hay and forage production. Poultry litter costs less than commercial fertilizer.
7. Litter is neither a discarded material nor a waste to me. I consider it valuable to my ranching operations.
8. Poultry litter lasts longer than commercial fertilizer. I rotate poultry litter with commercial fertilizer when I can afford the commercial fertilizer. Both the soil and the litter are tested before litter is applied to my land. I try to pair up the nutrient need in my soil with the nutrients in the litter.
9. I can see the long lasting beneficial effect of the poultry litter on the second and third hay cuttings when I cut hay that often.
10. I live on Barron Fork, which is a jewel. My grandchildren swim there. No one has gotten sick from swimming in the creek or from being around fields on which litter has been applied. I am careful to take care of my land for future generations.
11. If I could not use litter, it would definitely impact my operations. I would not be able to raise as much hay. I would have to cut back on the number of cattle I run. I would cut back to whatever the land could support without applying litter or commercial fertilizer.
12. I wish there was someone objective to tell me if there really is a problem in the Illinois River Watershed. I would quit using poultry litter if I knew it was really a problem.

Dated this 2 day of February, 2008.


Jerry Hare

Subscribed and sworn to before me this 2 day of February, 2008.


Notary Public 82001569

My Commission Expires:

2-12-10
[SEAL]